

Wetlands Bureau Decision Report

Decisions Taken
11/24/2003 to 11/28/2003

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

**1996-02279 HAMPSHIRE HILLS RAQUET CLUB
MILFORD Unnamed Wetland**

Requested Action:

Dredge and fill a total of 15,678 sq. ft. of palustrine forested wetlands for the construction of roadway/culvert crossings, drainage structures and site work associated with the development of a sports recreation facility on a 91.7 acre parcel of land.

Compensatory mitigation for impacts which occurred prior to permitting and for the current approved dredge and fill:

- 1) 10,550 sq. ft. of constructed wetlands.
- 2) 9.87 acres of upland conservation easements.

Conservation Commission/Staff Comments:

Compliance issues have been resolved.

This permit represents the compilation of after-the-fact permitting, permitting by plan and application and compensatory mitigation.

APPROVE PERMIT:

Dredge and fill a total of 15,678 sq. ft. of palustrine forested wetlands for the construction of roadway/culvert crossings, drainage structures and site work associated with the development of a sports recreation facility on a 91.7 acre parcel of land.

Compensatory mitigation for impacts which occurred prior to permitting and for the current approved dredge and fill:

- 1) 10,550 sq. ft. of constructed wetlands.
- 2) 9.87 acres of upland conservation easements.

With Conditions:

- 1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated March 7, 2000 (revision F 4/10/03), as received by the Department on October 21, 2003.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. This permit is contingent on approval by the DES Site Specific Program.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 9. Silt fencing must be removed once the area is stabilized.
- 10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
- 11. Proper headwalls shall be constructed within seven days of culvert installation.
- 12. Culvert outlets shall be properly rip rapped.
- 13. Work shall be done during low flow.

COMPENSATORY MITIGATION:

I. Wetlands Construction

1. This permit is contingent upon the creation of 10,550 sq. ft. of wetlands in accordance with plans received October 12, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
4. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
5. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
6. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
7. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
8. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
9. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
11. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
12. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
13. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

II. Land resources preservation:

1. This permit is contingent upon the execution of a conservation easement on 9.87 acres as depicted on plans received October 21, 2003.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Hillsborough County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area(s), and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area(s).
5. The conservation easement area(s) shall be surveyed by a licensed surveyor, delineated and clearly marked in the field prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the conservation easement markers to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area(s) and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities

shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. Compliance issues on this site have been resolved.
2. This permit represents the compilation of after-the-fact permitting, permitting by plan and application and compensatory mitigation.

**2003-01010 NH DEPT OF TRANSPORTATION
KINGSTON Unnamed Stream**

Requested Action:

Impact 52,564 sq. ft. (18,901 sq. ft. temporary) of palustrine wetlands and seasonal stream to correct an alignment on Hunt & Newton Junction Roads intersecting with NH Route 125 along with road widening and modification of drainage structures.

Inspection Date: 08/01/2003 by Gino E Infascelli

Inspection Date: 10/30/2003 by Gino E Infascelli

APPROVE PERMIT:

Impact 52,564 sq. ft. (18,901 sq. ft. temporary) of palustrine wetlands and seasonal stream to correct an alignment on Hunt & Newton Junction Roads intersecting with NH Route 125 along with road widening and modification of drainage structures. NHDOT project #10044C.

With Conditions:

1. All work shall be in accordance with plans by Vanasse Hangen Brustlin, Inc.:
 - a. Revised October 23, 2003, sheets 1 and 4, as received by the Department on November 6, 2003;
 - b. Sheets 5 and 6, as received by the Department on May 27, 2003.
2. This permit is contingent upon the submission of project specific erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. Native trees and shrubs as found in the proposed wetland disturbed areas shall be planted or transplanted in the vicinity of the detention basin with the intent of providing shade to reduce the introduction of invasive species.
15. On the detention basin area site there shall be no further impacts, including the removal of vegetation, beyond the slope limits as noted on sheet 4 unless the permit is amended or a new application is permitted.
16. The majority of the mitigation component shall be submitted as part of next phase for the Route 125 upgrade and shall comply with standard mitigation conditions that will include protection of the areas relative to the detention basin site.
17. A copy of the deed shall be submitted to the DES Wetlands Bureau following DOT purchase of the property. The Wetlands Bureau shall be notified of subsequent transfers of the property to another agency that has been retained for management purposes.
18. Wetland soils from areas vegetated with purple loosestrife shall not be used in the detention basin site. In other areas the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment.
19. The NHDOT shall monitor the initial construction of the detention basin site to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
20. The NHDOT shall conduct a follow-up inspection after the first growing season, to review the success of the temporary impacts at the detention area and schedule remedial actions if necessary. A memo report outlining these follow-up measures and a schedule for completing any remedial work to the detention area shall be submitted by December 1 of that year. Future inspections of the detention area will be included as part of the larger project (Plaistow - Kingston 10044B) mitigation monitoring requirements.
21. The impacts associated with the temporary work shall be remediated immediately following construction.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq. ft. of non-tidal wetlands and surface waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence or field inspection finds that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 7 and October 30, 2003. Inspection determined that the project will improve vehicular safety and designing roadway widening to the east has minimized the impact areas. The relocation of the detention basin to a previously disturbed area provides an upland buffer to the undisturbed wetlands and results in less ecological damage.
6. The applicant has agreed to provide appropriate mitigation for the larger Route 125 project (10044B) in the future.
7. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this palustrine wetland and riverine ecosystem.

2003-02179 VANLANDINGHAM, RICHARD
DOVER Piscataqua River

Requested Action:

Construct a 6 ft x 20 ft pier supported by pilings leading to a 3 ft. x 40 ft. ramp and a 10 ft. x 32 ft. float, on approximately 130 feet of frontage along the Piscataqua River in Dover.

Inspection Date: 11/21/2003 by Christina Altimari

APPROVE PERMIT:

Construct a 6 ft x 20 ft pier supported by pilings leading to a 3 ft. x 40 ft. ramp and a 10 ft. x 32 ft. float, on approximately 130 feet of frontage along the Piscataqua River in Dover.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated September 19, 2003, as received by the Department on September 24, 2003.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the mud flat and shall have 3/4-inch spacing between the decking planks and the ramp shall have a minimum of 3 ft. clearance from the surface of the mud flat.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in tidal waters.
2. Public hearing is waived based on DES staff field inspection on November 21, 2003 with the finding that the project impacts will not significantly impair the resources of this tidal river.
3. The Pease Development Authority - Division of Ports and Harbors has reviewed the plans and determined that the proposed dock does not impede navigation.
4. This dock is consistent with other tidal dock approvals in the seacoast region.

2003-02186 BELLMARE, CHRIS
NEWINGTON Little Bay

Requested Action:

Construct two 6 ft x 6 ft landings connecting a 3 ft x 18 ft and a 3 ft x 20 ft set of stairs to a 6 ft x 50 ft pier supported by pilings leading to a 3 ft. x 40 ft. ramp and a 10 ft. x 30 ft. float, on approximately 550 feet of frontage along the Little Bay in Newington.

Inspection Date: 11/21/2003 by Christina Altamari

APPROVE PERMIT:

Construct two 6 ft x 6 ft landings connecting a 3 ft x 18 ft and a 3 ft x 20 ft set of stairs to a 6 ft x 50 ft pier supported by pilings leading to a 3 ft. x 40 ft. ramp and a 10 ft. x 30 ft. float, on approximately 550 feet of frontage along the Little Bay in Newington.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated September 19, 2003, as received by the Department on September 24, 2003.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the mud flat and shall have 3/4-inch spacing

between the decking planks and the ramp shall have a minimum of 3 ft. clearance from the surface of the mud flat.

7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in tidal waters.
2. Public hearing is waived based on DES staff field inspection on November 21, 2003 with the finding that the project impacts will not significantly impair the resources of this tidal river.
3. NH Fish & Game (NHF&G) has identified one federally endangered species within the project limits, the Bald Eagle (*Haliaeetus leucocephalus*). DES finds that the NHF&G identified species will not be impacted as a result of the project, as the Eagle's winter roost site exists within a mile from the property, but not on the property itself or in the area where the proposed dock is to be constructed.
4. The Pease Development Authority - Division of Ports and Harbors has reviewed the plans and determined that the proposed dock does not impede navigation.
5. This dock is consistent with other tidal dock approvals in the seacoast region.

**2003-02187 HASKELL, MARY JO
NEWINGTON Little Bay**

Requested Action:

Remove 3 existing floats and construct a 6 ft x 6 ft landing and a 4 ft x 20 ft set of stairs connecting to a 6 ft x 30 ft pier supported by pilings leading to a 3 ft. x 30 ft. ramp and a 10 ft. x 20 ft. float, on approximately 160 feet of frontage along the Little Bay in Newington.

Inspection Date: 11/21/2003 by Christina Altimari

APPROVE PERMIT:

Remove 3 existing floats and construct a 6 ft x 6 ft landing and a 4 ft x 20 ft set of stairs connecting to a 6 ft x 30 ft pier supported by pilings leading to a 3 ft. x 30 ft. ramp and a 10 ft. x 20 ft. float, on approximately 160 feet of frontage along the Little Bay in Newington.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated September 19, 2003, with revisions dated November 5, 2003, as received by the Department on September 24, 2003.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the mud flat and shall have 3/4-inch spacing between the decking planks and the ramp shall have a minimum of 3 ft. clearance from the surface of the mud flat.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in tidal waters.
2. Public hearing is waived based on DES staff field inspection on November 21, 2003 with the finding that the project impacts will not significantly impair the resources of this tidal river.
3. NH Natural Heritage Inventory (NHNHI) has identified one recorded natural community of special concern within the project limits, Gulf of Maine Saltmarsh. NHNHI has also identified one state threatened plant species within the project limits, Stout Bulrush (*Scirpus robustus*). DES finds that the proposed pier has been designed to be elevated so as to avoid shading and any other negative environmental impacts to the existing salt marsh vegetation.
4. NH Fish & Game (NHF&G) has identified one federally endangered species within the project limits, the Bald Eagle (*Haliaeetus leucocephalus*). DES finds that the NHF&G identified species will not be impacted as a result of the project, as the Eagle's winter roost site exists within a mile from the property, but not on the property itself or in the area where the proposed dock is to be constructed.
5. The Pease Development Authority - Division of Ports and Harbors has reviewed the plans and determined that the proposed dock does not impede navigation.
6. This dock is consistent with other tidal dock approvals in the seacoast region.

MINOR IMPACT PROJECT

2003-01150 CHENEY ENGLAND LTD PARTNERSHIP
ROCHESTER Unnamed Wetland

Requested Action:

Fill approximately 13,927 square feet of forested and scrub-shrub wetlands, including approximately 11,211 square feet of man-made wetlands, to construct a road to provide access to a 59-unit condominium development and 9 single-family building lots on approximately 19.9 acres.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated June 14, 2003, the Rochester Conservation Commission recommended denial of the application for the following reasons: 1) Lack of compensatory mitigation; 2) The potential to avoid wetlands impacts by realigning Tessier Drive; and 3) The discharge of untreated stormwater into wetlands at the southern portion of the property.

APPROVE PERMIT:

Fill approximately 13,927 square feet of forested and scrub-shrub wetlands, including approximately 11,211 square feet of man-made wetlands, to construct a road to provide access to a 59-unit condominium development and 9 single-family building lots on approximately 19.9 acres.

With Conditions:

1. All work shall be in accordance with the NHDES Wetlands Bureau Application Plan (Sheet W-1) by NH Soil Consultants, Inc. dated April 23, 2003 and revised October 23, 2003, as received by the Department on October 31, 2003.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting,

and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be conducted during low flow.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Upland Buffer Preservation:

17. This permit is contingent upon the preservation of 0.63 acres of no disturbance buffer, as depicted on the NHDES Wetlands Bureau Application Plan (Sheet W-1) by NH Soil Consultants, Inc. dated April 23, 2003 and revised October 23, 2003, as received by the Department on October 31, 2003.
18. The restrictions to be placed on the no disturbance buffer areas shall be written to run with the land, and both existing and future property owners shall be subject to the restrictions.
19. The plan noting the no disturbance buffer areas and the restrictions thereon shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to construction.
20. The no disturbance buffer areas shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
21. Signs to indicate the location of and restrictions on the no disturbance buffer areas shall be posted no further than every 150 feet along the boundary of the no disturbance buffer areas prior to construction.
22. Prior to construction, the permittee shall notify the NHDES Wetlands Bureau staff of the placement of the no disturbance buffer area signs and shall coordinate on-site review of their location with NHDES Wetlands Bureau staff.
23. There shall be no removal of the existing vegetative undergrowth within the no disturbance buffer areas and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
24. Activities in contravention of the no disturbance buffer restrictions shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. The project is categorized as a Minor Impact Project, per Rule Wt 303.03(h), as the project involves alteration of less than 20,000 square feet in nontidal wetlands.
2. The applicant has demonstrated that the wetlands to be filled to construct Tessier Drive were created as a result of excavation below the water table as part of preliminary construction of the originally approved subdivision roadway.
3. The applicant has demonstrated that the man-made wetlands have no principal functions due to the following factors: 1) lack of topsoil; 2) lack of standing water; 3) poor vegetation diversity and abundance; 4) lack of food sources and habitat; 5) proximity to existing development; 6) small size; and 7) isolation.
4. In a letter to the DES Wetlands Bureau dated June 14, 2003, the Rochester Conservation Commission recommended denial of the application for the following reasons: 1) Lack of compensatory mitigation; 2) The potential to avoid wetlands impacts by realigning Tessier Drive; and 3) The discharge of untreated stormwater into wetlands at the southern portion of the property.
5. As approximately 80% of total proposed wetlands impacts are to isolated, man-made wetlands that provide no principal

functions, the Department finds that compensatory mitigation is not required.

6. The Department finds that realigning Tessier Drive would not result in a significant reduction in total wetlands impacts.

7. The Department finds that the concern expressed by the Rochester Conservation Commission regarding the discharge of untreated

stormwater into wetlands at the southern portion of the property has been adequately addressed in the project design, as described in a letter from Abenaqui Engineering, P.L.L.C. dated July 8, 2003.

8. The applicant has obtained written consent from the owner of abutting Lot 127 (Rochester Tax Map 251) concurring with proposed wetlands impacts within 20 feet of the property line, in accordance with Rule Wt 304.04(a).

9. The applicant has failed to obtain written consent from the owner of abutting Lot 136 (Rochester Tax Map 251) for proposed work in wetlands within 20 feet of the property line, in accordance with Rule Wt 304.04(a). The Department finds, however, that the applicant has made good faith attempts to obtain written consent from the owner of abutting Lot 136, in accordance with Rule Wt 304.04(a).

10. The Department finds that the only practicable access to the site from Oak Street is via the existing right-of-way between Lots 127 and 136. The Department also finds that prohibiting work in wetlands within 20 feet of Lot 136 would eliminate two-way traffic access to the site.

11. Based on review of plans and photographs submitted with the application, and based on findings #9 and #10 above, the Department waives Rule Wt 304.04(a) with the finding that proposed work in the isolated, man-made wetlands located within 20 feet of abutting Lot 136 (Rochester Tax Map 251) will not result in a significant adverse impact to Lot 136.

12. The applicant is providing a 30-foot no disturbance buffer, totaling approximately 0.63 acres, around the eastern and southern portions of an open water and forested wetland complex at the northwest corner of the lot.

13. The DES Site Specific Program issued Permit WPS-6612 for the project on November 13, 2003.

14. The need for the proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01.

15. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

16. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

17. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

2003-01553 JEWETT GRAY, ELIZA JANE
HANOVER Unnamed Wetland

Requested Action:

Dredge and fill 2080 square feet, install a 22 foot x 15-inch culvert, and retain 2160 square feet of fill in a previously disturbed forested wetland to construct a driveway for access to a proposed single family residence. Restore 5995 square feet of forested wetland to compensate for the proposed impacts.

Conservation Commission/Staff Comments:

The conservation commission supports the application.

APPROVE PERMIT:

Dredge and fill 2080 square feet, install a 22 foot x 15-inch culvert, and retain 2160 square feet of fill in a previously disturbed forested wetland to construct a driveway for access to a proposed single family residence. Restore 5995 square feet of forested wetland to compensate for the proposed impacts.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting LLC dated July 2003, and revised October 22, 2003 as received by the Department on October 27, 2003.

2. This permit is contingent upon the restoration of 5995 square feet of wetlands in accordance with plans and narrative received October 27, 2003.

3. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.

4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation

areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

5. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
6. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. This permit is contingent on approval by the DES Subsurface Systems Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
12. All material removed during restoration activities shall be removed down to the level of the original hydric soils.
13. All material removed during restoration activities shall be placed out of DES's jurisdiction.
14. There shall be no substitutions made for the plant species specified on the approved plan for replanting purposes without prior written approval from DES. Shrub species identified on the approved plan shall be a minimum container size of one gallon.
15. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
16. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
17. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
20. Work shall be done during low flow.
21. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant proposes to restore 5995 square feet of previously impacted wetland as compensation for project impacts.
6. The conservation commission supports the application.

Requested Action:

Install twin 36 in. diversion pipes, widen shoulders and replace a 6'x6' box culvert.

Inspection Date: 08/19/2003 by Gino E Infascelli

APPROVE PERMIT:

Install twin 36 in. diversion pipes, widen shoulders and replace a 6'x6' box culvert. NHDOT project #M103-8.

With Conditions:

1. All work shall be in accordance with plans by NHDOT District #1 dated 8/26/03 as received by the Department on Sept. 23, 2003.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow and/or drawdown.
11. Sediment basins shall be cleaned out and areas regraded to original contours.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of channel and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 19, 2003. Field inspection determined the diversion pipes, steel sheeting and erosion control methods will reduce the permanent impacts and the project will provide for a safer travel way for the general public.

**2003-02144 NH DEPT OF TRANSPORTATION, DISTRICT ONE
FRANCONIA Unnamed Stream**

Requested Action:

Add a 20 ft. extension at the outlet of a 43 in. x 64 in. oval culvert impacting 266 sq. ft. of stream.

APPROVE PERMIT:

Add a 20 ft. extension at the outlet of a 43 in. x 64 in. oval culvert impacting 266 sq. ft. of stream. NHDOT project #M116-10.

With Conditions:

1. All work shall be in accordance with plans by NHDOT District #1 dated 8/29/03 as received by the Department on September 23, 2003.

2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of stream and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02380 NH DEPT OF TRANSPORTATION
LONDONDERRY Little Cohas Brook**

Requested Action:

Replace a multi-plate pipe arch with a pre-cast, 12 ft. wide box culvert, construct cut off walls and wings; place class B stone at inlet and outlet impacting 1,660 sq. ft. of stream and banks (480 sq. ft. temporary).

APPROVE PERMIT:

Replace a multi-plate pipe arch with a pre-cast, 12 ft. wide box culvert, construct cut off walls and wings; place class B stone at inlet and outlet impacting 1,660 sq. ft. of stream and banks (480 sq. ft. temporary). NHDOT project #99013T.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance signed 10/03, as received by the Department on October 22, 2003 and as amended per plan dated November 25, 2003.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site

has returned to normal clarity.

10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.

13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Investigation found the multiplate arch is beyond repair and will be replaced with a box culvert impacting the same sq. ft. of jurisdictional area.

**2003-02440 NH DEPT OF TRANSPORTATION
WESTMORELAND Mill Brook**

Requested Action:

Remove 500 sq. ft. of fallen granite blocks from the stream; repair a portion of the collapsed stone arch culvert and place blocks to stabilize 700 sq. ft. of the banks.

APPROVE PERMIT:

Remove 500 sq. ft. of fallen granite blocks from the stream; repair a portion of the collapsed stone arch culvert and place blocks to stabilize 700 sq. ft. of the banks. NHDOT project #66021.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Rail and Transit dated October 20, 2003 as received by the Department on October 28, 2003.
2. Dredged material shall be placed for stabilization or out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall minimize the impacts within surface waters as noted in the construction sequence.
5. The tracks or tires of the equipment crossing the stream shall be devoid of soil material prior to the two crossings.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

8. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
9. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
10. Bank repair shall be constructed within seven days of culvert the culvert repair.
11. Work shall be done during low flow.
12. The file shall be notified in writing at least 24 hours prior to the project start date.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2003-01248 GALE, ALFREDA
MOULTONBOROUGH Unnamed Stream

Requested Action:

Retain 150 square feet of impact along 22 linear feet of intermittent stream, for driveway access to a single family building lot.

Conservation Commission/Staff Comments:

The conservation commission has no objections to the issuance of this permit.

APPROVE PERMIT:

Retain 150 square feet of impact along 22 linear feet of intermittent stream, for driveway access to a single family building lot.

With Conditions:

- 1.. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Wt 204.06.
6. The applicant has provided a copy of the recorded access easement allowing access over the Satnick property.

**2003-02382 MEREDITH, TOWN OF
MEREDITH Lake Winnepesaukee**

Requested Action:

Excavate 3 cu yds from 100 sq ft of shoreline to install a dry hydrant on 436 ft of frontage on Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. did not object to project.

APPROVE PERMIT:

Excavate 3 cu yds from 100 sq ft of shoreline to install a dry hydrant on 436 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Robert Hill dated June 27, 2003, as received by the Department on October 21, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Excavated and dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to construction.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Work shall be done during low flow.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(w), excavation of the bank for installation of a dry hydrant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

EXPEDITED MINIMUM

**2003-01978 BURL, DAVID
GILMANTON Tributary To Varney Brook**

Requested Action:

Dredge and fill 2838 square feet of forested wetland, extend existing 18-inch culvert a total of 11 feet for roadway access in the subdivision of 39.11 acres into 5 single family residential lots and one 25.16 acre residual lot.

Conservation Commission/Staff Comments:

The conservation commission did not sign this expedited application form, due to inaccuracies of the plan. These inaccuracies have been corrected.

APPROVE PERMIT:

Dredge and fill 2838 square feet of forested wetland, extend existing 18-inch culvert a total of 11 feet for roadway access in the subdivision of 39.11 acres into 5 single family residential lots and one 25.16 acre residual lot.

With Conditions:

1. All work shall be in accordance with plans by Golde Planning and Design dated September 8, 2003, as received by the Department on September 24, 2003.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Silt fencing must be removed once the area is stabilized.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The proposed filling will be approximately 15 ft from the northern abutting property line (Waring, Lot 27-50-00) and 10 feet from the southern abutting property line (Mercier Lot 27-47-00).
4. The applicant has submitted letters of permission from the affected abutters pursuant to Rule Wt 304.04, Setback from Property Lines.
5. The applicant has demonstrated that this is the most reasonable alternative for the site in accordance with Rules Wt 302.03 and Wt 304.16.
6. The applicant has demonstrated that this project will not result in increased environmental impact.

7. The Department hereby waives Rule Wt 302.04(d)(4) based on the findings above.

**2003-02345 SARLES, MARILYN
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Excavate 290 sq ft to construct an 8 ft x 25 ft 6 in perched beach surrounded by 45 linear ft of stone wall, with stairs accessing the beach and the water, and maintenance dredge 11 cu yds from 265 sq ft of lakebed, and reset 5 rocks on an existing 147 linear ft breakwater on an average of 410 ft of frontage on Swetts Point, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. signed application.

Photos seems to indicate slope is too steep for perched beach.

APPROVE PERMIT:

Excavate 290 sq ft to construct an 8 ft x 25 ft 6 in perched beach surrounded by 45 linear ft of stone wall, with stairs accessing the beach and the water, and maintenance dredge 11 cu yds from 265 sq ft of lakebed, and reset 5 rocks on an existing 147 linear ft breakwater on an average of 410 ft of frontage on Swetts Point, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 25, 2003, as received by the Department on October 21, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. Dredged and excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
10. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
11. Repair shall maintain existing size, location and configuration.
12. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
13. The steps installed for access to the water shall be located completely landward of the normal high water line.
14. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
15. This permit shall be used only once, and does not allow for annual beach replenishment.
16. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
17. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
18. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a perched beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-02400 CARTIER, GARY & ELAINE
BELMONT Unnamed Wetland

Requested Action:

Dredge and fill 840 square feet of forested wetland to install 18-inch x 30 foot culvert for driveway access to a proposed single family building location.

Conservation Commission/Staff Comments:

The conservation commission signed this minimum impact application.

APPROVE PERMIT:

Dredge and fill 840 square feet of forested wetland to install 18-inch x 30 foot culvert for driveway access to a proposed single family building location.

With Conditions:

1. All work shall be in accordance with plans by Kathleen Surowiec dated October 6, 2003, as received by the Department on October 24, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Culvert inverts shall be laid at grade.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.

2003-02424 STEVENS, JANET
RYE Sagamore Creek

Requested Action:

Impact 635 square feet of upland tidal buffer zone for the installation of a new septic system and leach field.

APPROVE PERMIT:

Impact 635 square feet of upland tidal buffer zone for the installation of a new septic system and leach field.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated October 2003, as received by the Department on October 28, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Area shall be regraded to original contours following completion of work.
4. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in the perviously developed upland tidal buffer zone.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-02428 KJA DEVELOPMENT INC
GILMANTON Unnamed Wetland

Requested Action:

Dredge and fill 1000 square feet including installation of a 12-inch x 50 foot culvert in a forested wetland for access to a proposed single family residential building location.

Conservation Commission/Staff Comments:

The conservation commission initially had objections to the placement of the house and septic system within state and town wetland buffers. New plans have been received signed by the Gilmanton Health Officer and DES Subsurface which illustrate all these setbacks have been met.

APPROVE PERMIT:

Dredge and fill 1000 square feet including installation of a 12-inch x 50 foot culvert in a forested wetland for access to a proposed single family residential building location.

With Conditions:

1. All work within wetlands jurisdiction shall be in accordance with plans by Philip Holmes PE dated March 10, 2003, as received by the Department on October 29, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Culvert inverts shall be laid at existing grade.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
12. No fill shall be done for lot development.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. Plans received November 20, 2003, by Subsurface Systems Bureau signed by the Gilmanton Health Officer illustrate town and state setbacks to wetlands have been met.

**2003-02430 MORTON TTEE, DEAN & LAUON
NEWBURY Lake Sunapee**

Requested Action:

Repair the two 4 ft by 8 ft cribs supporting a 24 ft 6 in by 13 ft 6 in boat house and 4 ft by 24 ft 6 in dock on 123 ft of frontage on Lake Sunapee, Newbury.

APPROVE PERMIT:

Repair the two 4 ft by 8 ft cribs supporting a 24 ft 6 in by 13 ft 6 in boat house and 4 ft by 24 ft 6 in dock on 123 ft of frontage on Lake Sunapee, Newbury.

With Conditions:

1. All work shall be in accordance with plans by Richard Green dated October 21, 2003, as received by the Department on October 30, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. This permit does not allow for maintenance dredging.
6. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
7. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
8. Repairs shall maintain existing size, location and configuration.
9. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v).